



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

#3

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

NUTRITIONAL SUPPLEMENT TO ALLEVIATE SYMPTOMS ASSOCIATED WITH REDUCED
LEVELS OF SEROTONIN

the specification of which (check one)

☐ is attached hereto.☒ was filed on March 23, 2001 as United States ApplicationNumber or PCT International Application No. 09/815,566

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)_____
(Filing Date)_____
(Application Number)_____
(Filing Date)

Best Available Copy

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/783,709</u> (Application Serial No.)	<u>2/14/01</u> (Filing date)	<u>Pending</u> (Status: patented, pending, abandoned)
<u> </u> (Application Serial No.)	<u> </u> (Filing date)	<u> </u> (Status: patented, pending, abandoned)
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As a named inventor, I hereby appoint the attorneys and/or agents associated with
Hamilton, Brook, Smith & Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02421-4799
Customer No. 21005,

and _____,

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please send correspondence to:

☒ Customer No. **21005**
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
Two Militia Drive
Lexington, MA 02421-4799

or

☐ Address as follows:

Direct telephone calls to: Alice O. Carroll, Esq. Telephone No.: 781-861-6240

Direct facsimiles to: Alice O. Carroll, Esq. Facsimile No.: 781-861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Stacey J. Bell

Inventor's Signature Stacey J. Bell Date 10 April 01

Residence 56 Amherst Road

Belmont, Massachusetts 02178

Citizenship USA

Post Office Address Same

Full name of second joint

inventor, if any Judy Shabert

Inventor's Signature _____ Date _____

Residence 60 Glen Road, Suite 208

Brookline, Massachusetts 02445

Citizenship USA

Post Office Address Same

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<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
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_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[]	[]	[]
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#3

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Full name of sole

or first inventor Stacey J. Bell

Inventor's Signature _____ Date _____

Residence 56 Amherst Road

Belmont, Massachusetts 02178

Citizenship USA

Post Office Address Same

Full name of second joint

inventor, if any Judy Shabert MD

Inventor's Signature Judith Shabert MD Date 5/15/2001

Residence 60 Glen Road, Suite 205

Brookline, Massachusetts 02445

Citizenship USA

Post Office Address Same

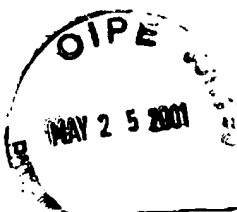
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P. 04

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(d) & 1.27(e))-SMALL BUSINESS CONCERN**



DOCKET NUMBER: 3037.1004-001

Applicant or Patentee: Stacey J. Bell and Judy Shabert

Application or Patent No.: 09/815,566

Filed or Issued: March 23, 2001

Title: NUTRITIONAL SUPPLEMENT TO ALLEVIATE SYMPTOMS ASSOCIATED WITH REDUCED LEVELS OF SEROTONIN

I hereby state that I am

- ☐ the owner of the small business concern identified below;
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN

Functional Foods, Inc.

ADDRESS OF SMALL BUSINESS CONCERN

375 Concord Avenue
Belmont, Massachusetts 02478

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416 or you may call 202-205-6618.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(e) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING

Stacey J. Bell

TITLE OF PERSON IF OTHER THAN OWNER

Corporate Officer

ADDRESS OF PERSON SIGNING

Functional Foods, Inc., 375 Concord Avenue, Belmont, MA 02478

SIGNATURE

Stacey J. Bell

DATE

21 May 01

ODMAW:HOIMAVManager:214457:1

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